

## **REMARKS/ARGUMENTS**

The present Amendment is in response to the Final Office Action having a mailing date of April 13, 2007. Claims 1-14 and 30-40 are pending in the present Application. Applicant has amended claims 1 and 13. Applicant has also canceled claims 14 and 30. Consequently, claims 1-13 and 31-40 remain pending in the present Application.

Applicant has amended claim 1 to incorporate the limitations of claim 30, which had depended upon claim 1 until rewritten in independent form. Applicant has, therefore, canceled claim 30. Applicant has also amended claim 13 to correct a minor grammatical error. This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar. Accordingly, Applicant respectfully submits that no new matter is added and no new search is required.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal. Moreover, because the amendment clearly places the application in better condition for appeal by removing issues for appeal, the amendment should be entered. See MPEP 714.13 (indicating "an amendment that merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner," should be entered). Thus, Applicant respectfully requests that the Examiner enter the Amendment.

In the above-identified Office Action, the Examiner indicated that claims 2, 8-10, 13, and 30-40 were allowed. Applicant welcomes the Examiner's indication that claims 2, 8-10, 13, and 30-40 are allowed.

In the above-identified Office Action, the Examiner rejected claims 1, 3-7, 11, and 12 under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2004/0145850 (Fukumoto).

Applicant respectfully traverses the Examiner's rejection. Applicant has incorporated the limitations of claim 30 into claim 1. The Examiner had previously indicated that claim 30 was allowed. Accordingly, Applicant respectfully submits that claim 1 is allowable as currently presented.

Claims 3-7, 11, and 12 depend upon independent claim 1. Consequently, the arguments herein apply with full force to claims 3-7, 11, and 12. Accordingly, Applicant respectfully submits that claims 3-7, 11, and 12 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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